

UNITED STATES DISTRICT COURT

JUL 09 2019

for the
Western District of North CarolinaUS DISTRICT COURT
WESTERN DISTRICT OF NC

United States of America

v.

Frank Darrell CROMWELL

Case No. 3:19mj224

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 21, 2018 - October 11, 2018 in the county of Watauga in the
Western District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

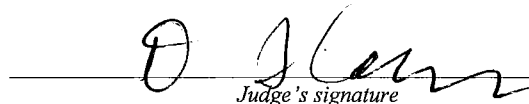
18 U.S.C. Section 2251
18 U.S.C. Section 2422Production of Child Pornography
Coercion and Enticement

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.
Complainant's signaturePatrick G. Wilhelm, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 07/09/2019
Judge's signatureCity and state: Charlotte, North CarolinaDavid S. Cayer, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

FILED
CHARLOTTE, NC

JUL 09 2019

**IN THE MATTER OF THE
COMPLAINT AND ARREST OF:**

US DISTRICT COURT
WESTERN DISTRICT OF NC

Frank Darrell CROMWELL

Case No. 3:19mj224

AFFIDAVIT IN SUPPORT OF A COMPLAINT AND ARREST OF
Frank Darrell CROMWELL

I, Patrick G. Wilhelm, Special Agent, Homeland Security Investigations, being duly sworn, state the following:

1) I am a "federal law enforcement officer" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and make arrests for, the offenses enumerated in Title 8, 18, 19, 21, 31, United States Code and other related offenses.

2) I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been so employed from December 2003 to the present. I am currently assigned to the HSI Charlotte, North Carolina office. As part of my official duties, I have conducted and participated in investigations relating to child pornography, child exploitation and digital forensics.

3) I am assisting in an investigation regarding the production of child pornography and the enticement and coercion of minors by Frank Darrell CROMWELL. As will be shown below, there is Probable Cause to believe that Frank Darrell CROMWELL has produced child

pornography, in violation of 18 U.S.C. § 2251; and engaged in the coercion and enticement of minor males to engage in sexual activity for the purposes of producing child pornography, in violation of 18 U.S.C. § 2422. I submit this Affidavit in support of a complaint and arrest of Frank Darrell CROMWELL.

4) The information contained in this Affidavit is based on my personal participation in this investigation and from information provided to me by other law enforcement officers. Since this Affidavit is being submitted for the limited purpose of establishing Probable Cause to support the arrest of Frank Darrell CROMWELL (hereinafter referred to as CROMWELL), I have not included each and every fact known to me concerning this investigation and have set forth only those facts that I believe are necessary for said purpose.

RELEVANT STATUTES

- 5) This investigation involves suspected violations of the following statutes:
- a) 18 U.S.C. § 2251 makes it a crime for any person to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any

means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

- b) 18 U.S.C. § 2422(b) makes it a crime for any person to use the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United State to knowingly persuade, induce, entice or coerce an individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempting to do so.

DEFINITIONS

- 6) The following definitions apply to this Affidavit:
- a) "Child Pornography" includes any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct; (b) the visual depiction was a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct; or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. See 18 U.S.C. § 2256(8).
- b) "Sexually explicit conduct" means (i) graphic sexual intercourse, including genital-genital, oral- genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited; or (ii) bestiality; or (iii) masturbation; or (iv) sadistic or masochistic abuse; or (v) graphic or simulated lascivious exhibition of the anus, genitals, or pubic area of any person.
- c) "Minor" means any person under the age of 18 years. See 18 U.S.C. § 2256(1).

PROBABLE CAUSE

7) On February 21, 2019, Detective J.B. Reid of the Boone Police Department, received a phone call from Watauga County Sheriff's Office Captain C. Johnson, who requested assistance in an investigation regarding the sexual exploitation of minors. Detective Reid met with Captain C. Johnson, as well as Watauga County Sheriff's Office Detective T. Julian and Detective M. Rollins at the Watauga County High School (WHS). Detective Julian informed Detective Reid that, based on statements by a WHS student, 17-year-old boy, it was believed that an adult male, Frank Darrell CROMWELL was suspected of using the social media application "Snapchat" to entice minors into taking images and/or videos of themselves in which they were naked or partially clothed and their penises were the focal point of the images/videos, then sending that material to CROWELL. Detective Julian informed Detective Reid that it was believed that CROMWELL used the Snapchat user names "princesssav222" and "frankie5020".

8) CROMWELL was identified by Watauga County High School Principal C. Blanton as assisting the athletic teams through an association with Appalachian State University.

9) Appalachian State University Police Department identified Frank Darrell CROMWELL's address as 359 Old East King Street, Apartment 401, Boone, NC 28607.

10) Based upon the information gathered at WHS, including speaking with the aforementioned 17-year-old WHS student and another WHS student, a 16-year-old boy, Detective Reid applied for a search warrant for CROMWELL's residence located at 359 Old East King Street, Apartment 401, Boone, NC 28607 and for the person of Frank Darrell Cromwell. Detective J.B. Reid presented the facts of this investigation to Superior Court Judge R.G. Horne, who found probable cause and issued the requested search warrant.

11) Later the same date, the aforementioned search warrant was executed, and a number of electronic devices were seized from CROMWELL and his residence, including but not limited to an Apple iPhone. Detective Reid then returned to the Boone Police Department, saw an open Snapchat window on CROMWELL's. The already-logged-in Snapchat account was for user "princesssav222," with a display name of "Sav".

12) On February 22, 2019, Detective Reid and North Carolina State Bureau of Investigations Special Agent N.S. Anderson performed data extractions on the aforementioned iPhone, locating an abundance of evidence that showed that CROMWELL was purporting himself to be a Caucasian female named "Savannah" and using his "princesssav222" Snapchat account to entice male minors to produce and send him child exploitation material in the form of images and/or videos. CROMWELL would also use his telephone number, (843) 330-9263 (the number assigned to his iPhone); a TextNow¹ number, (919) 769-1874; and Kik user name, "lickmeup5020" to entice male minors to produce and send him images and videos of themselves masturbating, simulating sexual intercourse, holding their naked penises, and more.

13) Analysis of data extracted from CROMWELL's iPhone by Detective Reid included, but was not limited, to the discovery of a file named "IMG_5548.mov", which was a 26-second, color video depiction of what appeared to be a teenage boy. The teenage boy was inserting an unknown object into his anus, while fully nude. The child's erect penis was a focal point of the video. Detective Reid discovered that the video file included GPS data; the coordinates were Latitude: +36.2292, Longitude: -081.7137. Detective Reid used the online map

¹ TextNow is a cloud-based phone carrier. Users can download the TextNow application to their mobile phone. This enables them to make phone calls and send text messages from an assigned number that is different from the telephone number provided through a wireless provider such as Verizon and AT&T.

website "Google Maps" to identify an address associated with those coordinates, which was a specific address in Boone, NC.

14) Detective Reid contacted WHS School Resource Officer (SRO) A. Asher and asked if there were any students listed at the identified address. Officer Asher confirmed that a WHS student does live at the identified Boone, NC address, a 15-year-old boy, hereinafter referred to as Child Victim 1.

15) Detective Reid discovered an additional file with the filename, "IMG_5551.mov", that showed the same GPS information as the aforementioned file. This file was a 24-second, color video of what appeared to be a naked, teenage boy, simulating engaging in sexual intercourse on a bed.

16) After further analysis, Detective Reid discovered an iMessage conversation between telephone number, (843) 330-9263, and a specific iCloud email address, hereinafter referred to as "iCloud Account." The telephone number (843) 330-9263 was the telephone number assigned to CROMWELL's iPhone. CROMWELL also identified this number as his own during an interview with Detective Reid on February 21, 2019. The message exchanges in this iMessage conversation spanned the dates of August 21, 2018, through October 11, 2018. CROMWELL attempted to reengage the conversation on November 2nd, 2018 and November 3rd, 2018, but "iCloud Account" did not reply.

17) Detective Reid observed in this conversation that CROMWELL was purporting to be a female by the name of "Savannah" and directed "iCloud Account" to produce images/videos of himself naked, displaying his penis, and humping a bed. Images included within this conversation included a depiction of an erect penis (55866424028__F4DE6838-7D49-4EAF-AAE8-20151A1BB3D7.JPG), and a depiction of a naked, minor boy, holding his erect penis in

his hand (55866640935__CB3A408E-A95B-400E-8DA7-D3ED5A8A35FD.JPG). The face of the minor in the second image was visible and appeared to be consistent with the North Carolina Department of Motor Vehicles image for Child Victim 1.

18) Detective Reid observed that on September 14, 2018, CROMWELL sent "iCloud Account" a file named, "IMG_5015.MP4", which was a 13-second, color video file that depicted an adult female becoming nude and masturbating. CROMWELL told "iCloud Account" that the video was of "herself."

19) Detective Reid observed that on September 24, 2018, CROMWELL sent "iCloud Account" a file named, "IMG_5190.GIF", which depicted an adult female lying on a bed, while a subject had their head between her legs.

20) Detective Reid observed that on September 26, 2018, CROMWELL sent "iCloud Account" a file named, "IMG_5208.MP4", which was a 24-second, color video of what appeared to be an adult female, lifting her skirt and showing she had no underwear on and then masturbating

21) Detective Reid observed that on October 11, 2018, CROMWELL sent "iCloud Account" images and video files of male subjects displaying their buttocks. CROMWELL wrote "iCloud Account" that "she" wants him to produce material like that and states that "she" will provide money via "Venmo or i give it to Frankie and he gives it to you".

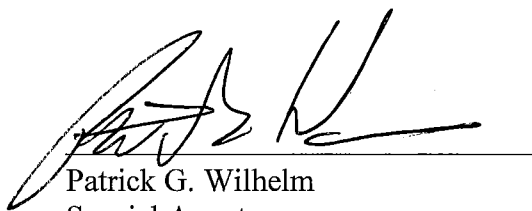
22) On February 25, 2019, Detective Reid interviewed Child Victim 1 at WHS. Child Victim 1's father was unavailable to attend the interview in-person but participated in the interview telephonically by means of a speaker phone. In this interview, Child Victim 1 confirmed that "iCloud Account" was an Apple ID that he used. Child Victim 1 confirmed that he had communicated with "Savannah" over "Snapchat". Child Victim 1 confirmed that

“Savannah” had sent him the sexually explicit images, and that he had sent “Savannah” sexually explicit depictions of himself. With Child Victim 1’s father’s permission, Detective Reid showed Child Victim 1 the images identified in paragraph 17 above. Child Victim 1 confirmed that these images were depictions of himself and that he had send these depictions to “Savannah” via iMessage. Child Victim 1 confirmed that he was 15-years-old when these images were produced and sent.

CONCLUSION

Based on the aforementioned factual information, your Affiant respectfully submits that there is Probable Cause to believe Frank Darrell CROMWELL did produce child pornography in violation of 18 U.S.C. § 2251 and a did coerce and entice minor males to engage in sexual activity for the purposes of producing child pornography in violation of 18 U.S.C. § 2422(b).

Your Affiant, therefore, respectfully requests that the attached warrant be issued authorizing the arrest of Frank Darrell CROMWELL.



Patrick G. Wilhelm
Special Agent
Homeland Security Investigations

Sworn and subscribed before me this 9th day of July 2019.



HON. DAVID S. CAYER
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF NORTH CAROLINA